




Air Pollution Control Hearing Officer Annotated Docket

Clark County Building Department – Presentation Room
4701 West Russell Road, Las Vegas, NV

9:00 a.m. – May 20, 2021

Hearing Officer: Christine T. Smith

Air Quality Staff: Shibi Paul, Compliance and Enforcement Manager 
Anna Sutowska, Air Quality Supervisor
Ross Grover, Senior Air Quality Specialist
Pamela Thompson, Senior Secretary

The Presentation Room is accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter or TDD may be made available; phone (702) 455-3126, TDD (702) 385-7486, or TT/TDD: Relay Nevada 711, Toll-Free (800) 326-6868 or (800) 877-1219 (Spanish).

Social distancing will be practiced during this meeting. Attendees will be asked to keep appropriate spacing (three (3) feet) away from each other. The use of masks/face coverings by all attendees during the hearing is required.

I. CALL TO ORDER 9:00 a.m.

II. NOTICES OF VIOLATION

- A. REVOCATION OF OPERATING PERMIT DUE TO NON-PAYMENT OF AIR QUALITY FEES
The Hearing Officer may revoke the following operating permits due to non-payment of the Required Annual Air Quality fees as required by Section 18 of the Clark County Air Quality Regulations.

1. **CP LAS VEGAS LLC (Source ID: 342)**
NOV #9536 issued on 4/20/2021

Outstanding Balance: \$159.90

Invoice Number: 046492
Invoice issued: 1/4/2021
Invoice due date: 2/3/2021

Late fee assessed 45 days after invoice issued date

Because the respondent paid the outstanding balance in full, Air Quality agrees to accept the payment amount of \$159.90 to resolve this NOV.

NOV TAKEN OFF CALENDAR: NO ORDER.

B. NON-CONTESTED CASES: The Hearing Officer may approve or disapprove Air Quality staff's proposed order levying the recommended penalty. If the proposed order is disapproved, the notice of violation will be rescheduled for hearing at a subsequent meeting.

1. **AGGREGATE INDUSTRIES-SWR, INC. (Source ID: 372)**

NOV #9533 – For failing to maintain the pressure drop across the DC2 baghouse cell (Emission Units: B004, B004a, B006, B006a, B008, B013, and B035)(West Screening Plant) between 1” and 6” of water column, as identified by Senior Air Quality Specialist Scott Rowsell during an offsite Partial Compliance Evaluation on February 24, 2021 of the construction sand and gravel, hot mix asphalt and ready mix concrete operation known as Aggregate Industries Sloan Quarry located at 5300 Sloan Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,320.00

Violation #1 – 2019 Permit condition III.C.2.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,320.00

2. **BADGER CONSTRUCTION (DCOP #53055)**

NOV #9554 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Specialist Carlton Monroe during a routine inspection on April 8, 2021 at the Griffith Residence construction project located at 7635 Balsam Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,250.00

3. **BEAZER HOMES HOLDINGS LLC D/B/A BEAZER HOMES NEVADA (DCOP #53532)**

NOV #9531 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross the property line, as identified by Air Quality Specialist Katrinka Byers while performing a complaint investigation during a Construction Notice period on March 8, 2021 at the Primrose construction project located at West Washburn Road and North Commerce Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$5,000.00

Violation #1 – Section 94.11.3(c)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$5,000.00

4. **BIG DADDY AND COMPANY, LLC (Source ID: 9411)**

NOV #9529 – For failing to conduct initial vapor recovery system tests within 180 days of the Phase II vapor recovery system removal; and for failing to operate Phase I system in accordance with manufacturer specifications and certification requirements by operating Emission Unit: A03 with a loose fill adapter on the south fill adapter and a broken fill adapter cap on the north fill adapter, as identified by Air Quality Specialist Mike Murphy during an onsite Full Compliance Evaluation on March 4, 2021 of the gasoline dispensing operation known as Riviera AM PM located at 2955 South Paradise Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,650.00

Violation #1 – 2020 General Permit condition 4.2.4.a

Violation #2 – 2020 Permit condition 2.1.6.c

2020 Permit condition 2.1.6.d

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,650.00

Violation #1 – 2020 General Permit condition 4.2.4.a - \$1,650.00

Violation #2 – 2020 Permit condition 2.1.6.c - \$1,000.00

2020 Permit condition 2.1.6.d

5. **D.R. HORTON, INC. (DCOP #48839)**

NOV #9552 – For allowing soil to be tracked out more than 50 feet onto a paved roadway; and for failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Andrew Kirk while performing a complaint investigation during a Dust Advisory period on April 13, 2021 at the Amber Owl I/II & Valley Vista PCL 3.5, 4.4 & 4.5 construction project located at Elkhorn Road and North Decatur Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.11.6

Violation #2 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Section 94.11.6 – \$2,000.00

Violation #2 – Section 94.9.2 – \$2,000.00

6. **GREAT LAKES CONSTRUCTION, INC. AND DENNIS LOUKS (Project #211019)**

NOV #9528 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities; for failing to notify Air Quality 10 working days prior to the removal of Regulated Asbestos-Containing Material (RACM) at the Facility; for failing to remove all RACM from the Facility prior to renovation; for failing to adequately wet all removed RACM; for failing to have at least one onsite representative trained in the provisions of the National Emission Standards for Hazardous Air Pollutants asbestos regulations and the means of complying with them; for allowing visible emissions and failing to seal all asbestos-containing waste material in leak tight containers while wet; and for failing to label waste containers with warning labels, as identified by Air Quality Specialist II Kevin Adoor during an inspection while on routine patrol on February 11, 2021 at a commercial building constructed in 1963 and located at 3399 South Eastern Avenue, in Clark County, Nevada.

**Continued on the next page.*

GREAT LAKES CONSTRUCTION, INC. AND DENNIS LOUKS continued

Violation(s) alleged: Recommended Penalty: \$7,700.00
Violation #1 – Section 13.1, 40 CFR §61.145(a)
Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) and (b)(3)(i)
Violation #3 – Section 13.1, 40 CFR §61.145(c)(1)
Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)
Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)
Violation #6 – Section 13.1, 40 CFR §61.150(a) and (a)(1)(iii)
Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$7,700.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)	– \$1,950.00
Violation #2 – Section 13.1, 40 CFR §61.145(b)(1) and (b)(3)(i)	– \$950.00
Violation #3 – Section 13.1, 40 CFR §61.145(c)(1)	– \$1,950.00
Violation #4 – Section 13.1, 40 CFR §61.145(c)(6)(i)	– \$950.00
Violation #5 – Section 13.1, 40 CFR §61.145(c)(8)	– \$475.00
Violation #6 – Section 13.1, 40 CFR §61.150(a) and (a)(1)(iii)	– \$950.00
Violation #7 – Section 13.1, 40 CFR §61.150(a)(1)(iv)	– \$475.00

7. HACIENDA BUILDERS, INC. (Project #212001)

NOV #9530 – For failing to notify Air Quality 10 working days prior to demolition activities, as identified by Air Quality Specialist II Whitney Francis during a complaint investigation on February 16, 2021 at the four structures located at 2324, 2400, 2408, and 2412 Cedar Avenue, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$2,000.00
Violation #1 – Section 13.1, 40 CFR §61.145(b)(1) and (b)(3)(i)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,000.00

8. HAND CONSTRUCTION COMPANY (DCOP #52988)

NOV #9547 – For allowing tracked out soil to extend greater than 50 feet in length onto Meadows Lane, as identified by Air Quality Specialist Cris Melo while performing a complaint investigation during a Construction Notice period on March 9, 2021 at the Decatur and Alta Apartments construction project located at 5151 Meadows Lane, in Clark County, Nevada.

Violation(s) alleged: Recommended Penalty: \$1,500.00
Violation #1 – Section 94.11.6

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,500.00

9. **KB HOME LAS VEGAS INC. (DCOP #52978)**

NOV #9553 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to cross a property line, as identified by Air Quality Specialist Andrew Kirk while performing a routine inspection during a Construction Notice period on April 5, 2021 at the Casa Bella construction project located at the southeast corner of Sandhill Road and Vegas Valley Drive, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 94.11.3(c)

Recommended Penalty: \$7,000.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,000.00

10. **MC SMITH, LLC (Source ID: 15530)**

NOV #9522 – For failing to conduct initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the 2018 Permit, as identified by Air Quality Specialist Josh Kelley during an onsite Full Compliance Evaluation on February 17, 2021 of the gasoline dispensing operation known as Fabulous Freddy's Craig Road located at 4309 West Craig Road, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – 2018 Permit condition 4.2.4.b
April 2019 Permit condition 4.2.4.a

Recommended Penalty: \$4,870.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$4,870.00

11. **PABCO BUILDING PRODUCTS, LLC (Part 70 Source ID: 11)**

NOV #9526 – For exceeding the mass emission limitations for NOx and VOC on Emission Unit: E39 during performance testing, as identified by Senior Air Quality Specialist Jeff Robb during an offsite Partial Compliance Evaluation on January 13, 2021 of the major stationary source consisting of a wallboard manufacturing operation, and a gypsum mining and processing operation located at 8000 East Lake Mead Boulevard, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – June 2020 Permit condition III.B.1.1
June 2020 Permit Table III-B-2

Recommended Penalty: \$7,600.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,600.00

12. **RICHMOND AMERICAN HOMES OF NEVADA, INC. (DCOP #50967)**

NOV #9549 – For allowing tracked out soil to extend greater than 50 feet in length onto a paved road, as identified by Air Quality Specialist Allan Gutierrez and Air Quality Specialist Damon Lindsay during a routine and follow-up inspections on March 26 and 27, 2021 at the Meranto Ranch construction project located at Serene Avenue and Hualapai Way, in Clark County, Nevada.

Violation(s) alleged:
Violation #1 – Section 94.11.6

Recommended Penalty: \$7,250.00

FOUND IN VIOLATION.
PENALTY ASSESSED: \$7,250.00

13. ROSENDIN ELECTRIC, INC. (DCOP #52889)

NOV #9532 – For failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin, as identified by Air Quality Specialist Damon Lindsay during a routine inspection on February 23, 2021 at the Townsite Solar Garden construction project located at 13316 South US Highway 95, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,500.00

Violation #1 – Section 94.11.3(b)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,500.00

14. S&S FUELS MANAGEMENT, LLC (Source ID: 15061)

NOV #9551 – For failing to conduct initial vapor recovery system tests after the decommissioning of the Phase II vapor recovery system and within 180 days of issuance of the December 2019 Permit, as identified by Air Quality Specialist Martin Tull during an onsite Full Compliance Evaluation on March 16, 2021 of the gasoline dispensing operation known as 7-Eleven Store #39598 located at 3970 North Tenaya Way, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$3,740.00

Violation #1 – December 2019 Permit conditions 2.1.8 and 4.2.4.b

FOUND IN VIOLATION.

PENALTY ASSESSED: \$3,740.00

15. SOIL-TECH, INC. (DCOP #53597)

NOV #9550 – For failing to implement all control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Senior Air Quality Specialist Anita Karr and Air Quality Specialist Allan Gutierrez during routine and follow-up inspections on April 1 and 2, 2021 at the Yellow Pine Solar construction project located at State Highway 160 and Tecopa Springs Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,250.00

Violation #1 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,250.00

16. THE FISHEL COMPANY (DCOP # 53572)

NOV #9557 – For failing to obtain a Dust Control Operating Permit prior to engaging in construction activities; and for failing to implement control measures necessary to maintain soil stability 24 hours a day, seven days a week, as identified by Air Quality Supervisor David Dean and Air Quality Specialist Heath Richards during routine and follow-up inspections at the LSV Village View construction project located on Spencer Street and east on Pebble Road, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$4,000.00

Violation #1 – Section 94.4.1

Violation #2 – Section 94.9.2

FOUND IN VIOLATION.

PENALTY ASSESSED: \$4,000.00

Violation #1 – Section 94.4.1 - \$1,000.00

Violation #2 – Section 94.9.2 - \$3,000.00

17. VT CONSTRUCTION, INC. (DCOP #52018)

NOV #9555 – For failing to maintain a Dust Control Monitor on site at all times construction activities occur, as identified by Air Quality Specialist Allan Gutierrez during a routine inspection at the LAS NAP 14, 15, & 16 construction project located northeast of South Jones Boulevard and West Maule Avenue, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$250.00

Violation #1 – Section 94.7.5.3

FOUND IN VIOLATION.

PENALTY ASSESSED: \$250.00

18. WESTERN STATES CONTRACTING, INC. (DCOP #52822)

NOV #9524 – For causing a fugitive dust plume that exceeded 50% opacity as measured using the Instantaneous Method, as identified by Air Quality Specialists Katrinka Byers and Noel Crandall during an inspection on February 9, 2021 at the Miner Mesa 110 Acres construction project located northwest of Highway I-15 and Las Vegas Boulevard, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$2,500.00

Violation #1 – Section 94.11.1

FOUND IN VIOLATION.

PENALTY ASSESSED: \$2,500.00

19. WILD DECATUR LLC (Project #211029)

NOV #9548 – For failing to thoroughly inspect the Facility for the presence of asbestos-containing materials prior to conducting renovation activities, as identified by Air Quality Specialist II Kevin Adoor during an inspection while on routine patrol of a commercial building located at 4909 Vegas Drive, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$1,950.00

Violation #1 – Section 13.1, 40 CFR §61.145(a)

FOUND IN VIOLATION.

PENALTY ASSESSED: \$1,950.00

C. CONTESTED CASES

Construction and Vacant Land Violations:

1. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #52588)**

NOV #9521 – For constructing soil stockpiles greater than 8 feet in height within 100 yards of occupied buildings, as identified by Air Quality Specialist Katrinka Byers and Air Quality Specialist Carlton Monroe during routine and follow-up inspections on January 23, 28, and 29, 2021 at the Project Foghorn construction project located on the southwest corner of Tonopah Avenue and Woodard Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$7,750.00

Violation #1 – Section 94.8.4

Continued from 3/18/2021

HEARING OFFICER APPROVED THE PROPOSED SETTLEMENT AGREEMENT FOR NOVS #9521 AND #9527, WHICH INCLUDES A \$16,000.00 PENALTY TO BE PAID IN FULL WITHIN 30 DAYS OF THE SIGNED ORDER.

2. **MARTIN-HARRIS CONSTRUCTION, LLC (DCOP #52588)**

NOV #9527 – For constructing soil stockpiles greater than eight feet in height within 100 yards of occupied buildings; for failing to fully implement Best Available Control Measures resulting in a fugitive dust plume to extend more than 100 feet from the point of origin; and for allowing tracked out soil to extend greater than 50 feet in length onto a paved roadway, as identified by Air Quality Specialist Katrinka Byers while performing a routine inspection during a Construction Notice period on February 17, 2021 at the Project Foghorn construction project located on the southwest corner of Tonopah Avenue and Woodard Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$11,000.00

Violation #1 – Section 94.8.4

Violation #2 – Section 94.11.3(b)

Violation #3 – Section 94.11.6

SEE #1 ABOVE.

Stationary Sources Violations:

RECESSED AT 9:36 a.m.

RESUMED AT 9:48 a.m.

3. **CIRCA RESORTS LLC D/B/A CIRCA RESORT AND CASINO (Source ID: n/a) NOV #9559** – For commencing construction and operating a source of air pollutants, without having obtained a Minor Source Permit that authorized such construction and operation, as identified by Air Quality Specialist Mike Murphy during an onsite Partial Compliance Evaluation on March 24, 2021 of the unpermitted facility identified as Circa Resort and Casino located at 8 Fremont Street, in Clark County, Nevada.

Violation(s) alleged:

Recommended Penalty: \$54,340.00

Violation #1 – Section 12.1.3.1(a)

AIR QUALITY PRESENTED AN ADDITIONAL DOCUMENT AS EXHIBIT 1.

FOUND IN VIOLATION.

PENALTY ASSESSED: \$54,340.00

III. ADJOURNMENT 10:38 a.m.